

The role of the public prosecution in terminating a criminal case without trial: A comparative study

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Abstract

The Code of Criminal Procedure represents the legal framework governing the procedures for searching and controlling crime and the means of committing it. The law also specifies the legal authorities responsible for investigation, accusation and the trial procedures in dealing with the accused of the crime. Yet the law also specified the ways in which criminal prosecution ends in dealing with those whom the criminal case was brought against. These issues are outlined by the provisions of Article nine of the law, given the large number of criminal cases and the crowdedness in the public prosecutor offices and due to the efforts done by jurists and legislators who tried hard to reduce the burden on the public prosecution and the judiciary, an increased number of people asked for finding more effective ways to address what is known as the exaggerated punishment, which has become a real threat to the criminal justice system in Palestine. Criminal conciliation and criminal mediation may represent one of the most effective means that seeks to end a criminal case without trial.

This study aims to conduct an in-depth analysis of the provisions of criminal conciliation and criminal mediation in order to assess the suitability of these provisions to the practical reality. Based on the foregoing, the first chapter of this study was devoted to show the legal nature of the criminal conciliation and its implications, while chapter two focused on defining the concept of criminal mediation and clarifying its terms and its implications.

In order to achieve its aims, this study uses both the descriptive approach and the analytical approach (both deductive and inductive), in addition to using the comparative approach in order to benefit from the experiences of comparative countries whenever the need arises. The study concludes with a set of the most important results, in addition to providing some applicable recommendations in an effort to amend the law in a way that keep up with the social changes and increases the effectiveness of the criminal justice system in Palestine.